




STATE OF WISCONSIN
Department of Health and Family Services
Division of Children and Family Services
Division of Disability and Elder Services

DCFS Memo Series 2006 - 15
DDES Memos Series 2006 - 17
August, 4, 2006
Re: Exception to License a Shift-
Staffed Treatment Foster Home
Under Ch. HFS 38, "Treatment
Foster Care for Children"

(Replaces DCFS-2000-04)

To: Area Administrators/ Human Services Area Coordinators
Bureau Directors
Child Placing Agencies
County Departments of Community Programs Directors
County Departments of Developmental Disabilities Services Directors
County Departments of Human Services Directors
County Departments of Social Services Directors
County Developmental Disability Coordinators
County Children's Long-Term Support Coordinators
Licensing Chiefs/Section Chiefs/Program Office Directors
Tribal Chairpersons/Human Services Facilitators

From:  Burnie Bridge 
Administrator, Division of Children and Family Services
 Sinikka Santala
Administrator, Division of Disability and Elder Services

This memo describes the requirements, under limited and specific circumstances, for submitting an application for an exception to license a shift-staffed treatment foster home under Ch. HFS 38, Adm. Code, "Treatment Foster Care for Children." As described in ss. HFS 56.02(2) and HFS 38.02(2), Adm. Code, county and child placing agencies may grant exceptions to specific requirements of Ch. HFS 38. Under both Chs. HFS 38 and 56, this Department may grant an exception to any nonstatutory requirement for which the licensing agency may not grant an exception. In order to license a shift-staffed treatment foster home, a licensing agency must obtain approval from the DHFS Exceptions Panel.

Background

Shift-staffed treatment foster care provides care to children whose behaviors or conditions require a high degree of supervision and overnight awake care that is provided by staff persons who rotate shifts within a 24-hour period. Unlike family-based treatment foster care, shift-staffed treatment foster care does not include foster parents who reside in the home but the children benefit from the more home-like environment with fewer residents than that provided in a group home or residential care center.

Treatment foster care with foster parents living in the home, perhaps with the presence of additional staff as necessary, should be considered as the first alternative when a child needs additional treatment or services. Shift-staffed treatment foster care should only be considered as the last community placement option when all other community placement options have been investigated and deemed to be unavailable or not in the best interest of the child. To ensure that the needs of children placed in shift-staffed treatment foster care are met, the DHFS Exceptions Panel requests specific and detailed information when an agency applies for an exception.

Since the children placed in shift-staffed treatment foster care have complex needs or behaviors, the licensing agency must assess and assure the health, safety, and well-being of all individuals receiving care. The placement of any child must not displace or endanger the safety of any other child. Before a new child is placed, the licensing agency must evaluate the compatibility of this child with all of the individuals currently receiving care. The agency must provide adequate staffing ratios and provide staff with sufficient training to meet the needs of all individuals receiving care.

DOCUMENT SUMMARY

This numbered memo explains the process for an agency to request an exception to the prohibition on shift-staffing in treatment foster care and the process whereby the Department will review and act on any such exception request.

Please refer to the form entitled "Application to the DHFS Exceptions Panel for Exception to Ch. HFS 56 or Ch. HFS 38" (CFS-847) for identification of the information that must be provided when an agency requests an exception to the foster care or treatment foster care licensing rules. This completed application form is required for all exception requests. The "Shift-Staffed Treatment Foster Home Exception Checklist" (CFS-2343) includes the additional information the Exceptions Panel requires for applications to allow shift-staffing in treatment foster care. The checklist is a guide and is not mandatory, but the information requested on the form must be submitted. Links to these forms are provided at the end of this memo.

Initial Application

Applications for exceptions to the shift-staffing prohibition must be submitted by the agency issuing the license for the shift-staffed treatment foster home. If a private child-placing agency is issuing the license for the shift-staffed treatment foster home, the Exceptions Panel may contact the county in which the shift-staffed treatment foster home is located to discuss that county's support for, or concerns regarding, the impact of the facility on the county or local community. In addition to this information, the Exceptions Panel may request a site visit to the home or interview by phone with the county case worker and a representative of the provider.

The county or private child-placing agency must submit both the completed application form (CFS-847) and additional information to the address at the bottom of the form. Please allow 10 working days for the Department to respond to exception applications. The timeframe for the Department response begins when the Exceptions Panel is in possession of sufficient information to make a decision regarding the request. Agencies should submit the application to the DHFS Exceptions Panel with enough notice to allow the Exceptions Panel time to gather any additional information and make a decision prior to the placement of a child. The Exceptions Panel has the authority to grant an exception for any time period not to exceed the period of licensure. Since an exception approval is for a specified period of time and cannot exceed the period of licensure, agencies must submit a reapplication when the initial approval expires.

Reapplications

When an agency reapplies for an exception to continue the operation of shift-staffed treatment foster care, the agency must submit the additional information contained on the "Shift-Staffed Treatment Foster Home Exception Application Checklist" (CFS-2343) under the Reapplication section.

In addition, the licensing agency should submit a copy of the existing license, any egregious or serious incident reports that have been completed since the last approval, and a copy of the most recent permanency plan for each resident. The Exceptions Panel will also request and review the results of any compliance reviews by the Bureau of Programs and Policies, the Bureau of Regulation and Licensing, the Bureau of Long-Term Support, and any other agency, if applicable. Reapplications must be received by the DHFS Exceptions Panel at least thirty (30) days prior to the expiration of the previous approval.

Licensing Documentation

The staff person who is responsible for oversight of the physical location, staff, and daily care and supervision of children in shift-staffed treatment foster care is acting in the role of foster parent and should be listed as the licensee. The licensee and all other staff who provide care and treatment services to the residents are required to fulfill all licensing requirements as established in Chs. HFS 38 and HFS 56. A record of staff training that fulfills the requirements in Ch. HFS 38 must be included in each staff person's file. The licensing agency must also document the approved exception to provide shift-staffing on both pages of the treatment foster care license under the "Other Provision" heading on the license and the "Other Limitations" section on the second page of the license.

If an agency changes any conditions detailed on the license, the licensing agency must document those changes through the modification requirements listed in s. HFS 56.04(4)(c) and update the license accordingly.

Respite

The licensing agency must clearly explain if the agency plans to utilize any beds for respite placements, the admission criteria for respite placements, and staffing ratios when children are placed for respite. Since the primary purpose of shift-staffed treatment foster care is to provide ongoing care to specific children with high needs, shift-staffed treatment foster care may designate no more than fifty (50) percent

of its bed capacity for respite care placements. The use of respite beds in shift-staffed treatment foster care should be planned in order to maintain the routines of the residents in the home. As stated in s. 48.62(1)(b), Stats., the number of children receiving services in a treatment foster home cannot exceed four (4).

An agency choosing to utilize beds in shift-staffed treatment foster care to provide respite services must meet all of the requirements outlined in this memo. The licensee is responsible for the safety of all children receiving care in the shift-staffed treatment foster home regardless of whether a child is placed for treatment foster care or respite. The children receiving respite care must also be compatible with the regular residents of the shift-staffed treatment foster home, such as those who have emotional needs, physical disabilities, complex medical needs, or developmental disabilities. Prior to admission, an assessment of compatibility must be documented by the placing agency which covers, at a minimum, the following areas: eating, toileting, mobility, communication, health problems, educational issues, behavioral issues, socialization, supervision needs, and personal self-help. A bed that is used by a treatment foster care resident in the shift-staffed treatment foster home may not be used for a respite placement.

Reviews

Various DHFS program staff will coordinate reviews to monitor the health, safety, and well-being of the children in care and the provision of services under this exception.

If there are any concerns about the services provided in shift-staffed treatment foster care, representatives of the Department of Health and Family Services will address those concerns directly with the appropriate agency.

Exceptions Panel Members

Section HFS 56.02(2)(b)7.a., Adm. Code, states that "the department exceptions panel shall consist of at least 3 persons who collectively are knowledgeable about the foster care program, licensing practices and any special needs of children who may be served by the applicant for an exception." For applications to provide shift-staffing in treatment foster care, the Exceptions Panel will include:

- A designee from the Bureau of Programs and Policies (DCFS)
- A representative from the Bureau of Regulation and Licensing (DCFS)

Additional members may include:

- A representative from Area Administration Offices
- A representative from the Bureau of Long Term Support (DDES)
- A representative from the Bureau of Program Integrity (DHCF)
- A representative from the Bureau of Mental Health and Substance Abuse Services (DDES)

Thank you for your assistance in assuring that the requirements contained in this memo and the respective administrative rules are effectively met.

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WEB SITE: Application to DHFS Exceptions Panel for Exception to Ch. HFS 56 or Ch. HFS 38 (CFS-847) - (link to <http://www.dhfs.state.wi.us/forms/dcfs/CFS0847.pdf>)
Shift-staffed Treatment Foster Home Exception Application Checklist (CFS-2343) - (link to <http://dhfs.wisconsin.gov/forms/dcfs/CFS2343.pdf>)

c: County Foster Care Coordinators
Directors, Private Child Placing Agencies

#memo/HSS 56 & HFS 38.doc